

**COPY**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X  
5 Estate of VALERIE YOUNG, by VIOLA YOUNG, as  
6 Administratrix of the Estate of Valerie Young,  
and in her personal capacity, SIDNEY YOUNG, and  
LORETTA YOUNG LEE,

7 Plaintiffs,

8 -against-

Index No.  
07CV6241

9 STATE OF NEW YORK OFFICE OF MENTAL RETARDATION  
AND DEVELOPMENTAL DISABILITIES, PETER USCHAKOW,  
10 personally and in his official capacity, JAN  
WILLIAMSON, personally and in her official  
11 capacity, SURESH ARYA, personally and in his  
official capacity, KATHLEEN FERDINAND, personally  
12 and in her official capacity, GLORIA HAYES,  
personally and in her official capacity, DR.  
13 MILOS, personally and in his official capacity,  
Defendants.

14 -----X  
15  
16 EXAMINATION BEFORE TRIAL of the  
17 Plaintiff, LORETTA LEE, taken by the Defendant,  
18 pursuant to Notice, held at the Office of the  
19 Attorney General, 120 Broadway, New York, New  
20 York 10271 on January 28, 2008, at 12:45 p.m.,  
21 before a Notary Public of the State of New York.  
22  
23  
24  
25

1 L. LEE

2 A. Because I work during the week and  
3 I always made it my business to at least visit  
4 her once a month.

5 Q. You said you visited her on a  
6 Saturday?

7 A. Yes, that is right.

8 Q. Do you work on Saturday?

9 A. I work Monday to Friday.

10 Q. Did Valerie know who you were when  
11 you visited her?

12 A. Yes, she did.

13 Q. I want to show you a copy of the  
14 complaint that's been filed in this lawsuit.

15 A. Okay.

16 Q. Okay.

17 Why don't you look through all the  
18 pages to make sure what is on each page.

19 A. Okay.

20 Q. When you visited Valerie at the  
21 Brooklyn Development Center, what would she be  
22 doing?

23 A. She would be sitting down.  
24 Sometimes she would be walking around. Mostly  
25 she would be sitting.

1 L. LEE

2 Q. Again, I apologize certain  
3 questions I am going to ask you --

4 A. I understand.

5 Q. How did Valerie Young die? What is  
6 your understanding of how she died?

7 MR. KAISER: Objection.

8 A. Valerie died from some type of a  
9 blood clot. If it had been treated, she would  
10 have not passed away.

11 Q. Now, do you think that any of the  
12 defendants knew prior to her death that she had a  
13 blood clot that would kill her?

14 MR. KAISER: Objection.

15 A. I don't know, no.

16 Q. Just so we are clear, do you think  
17 any of the defendants knew prior to her dying  
18 that she had this blood clot that was going to  
19 kill her?

20 MR. KAISER: Objection.

21 A. No.

22 Q. Now, prior to June 19, 2005, were  
23 you aware that Valerie suffered from blood clots?

24 A. No.

25 Q. Were you aware that she suffered

1 I. LEE

2 from any medical condition that might lead to  
3 blood clots?

4 MR. KAISER: Objection.

5 A. No.

6 Q. Just so we are clear, prior to June  
7 19, 2005, did you believe that Valerie Young was  
8 in danger of suffering a blood clot due to any  
9 medical condition that she had?

10 MR. KAISER: Objection.

11 A. No.

12 Q. If you would have known you would  
13 have communicated that to somebody?

14 A. Correct.

15 MR. KAISER: Objection.

16 Q. You would have spoken to your mom  
17 as you testified or you would have spoken  
18 directly to somebody at Brooklyn Developmental  
19 Center, correct?

20 MR. KAISER: Objection.

21 A. Yes.

22 Q. You would have requested for action  
23 to be taken if you thought this was going to  
24 happen?

25 MR. KAISER: Objection.

1 L. LEE

2 A. Exactly.

3 Q. Prior to June 15, 2005 -- let me  
4 take a step back.

5 Do you think that any of the  
6 defendants knew that she had a medical condition  
7 that would lead to a blood clot that could kill  
8 her that they would have communicated to anyone  
9 else in the Brooklyn Developmental Center that  
10 this needs to be taken care of.

11 MR. KAISER: Objection.

12 A. I think they would have taken care  
13 of it if they knew.

14 Q. If they knew?

15 A. If they knew.

16 Q. Just so we are clear, if you would  
17 have known she had a medical condition that would  
18 have lead to a blood clot that could ultimately  
19 killed her, you would have communicated that to  
20 the Brooklyn Developmental Center staff, correct?

21 A. Yes.

22 MR. KAISER: Objection.

23 Q. It is also your testimony that you  
24 believe if any of the defendants knew that  
25 Valerie had a medical condition that would lead

1 L. LEE

2 to a blood clot that they too would have  
3 communicated to someone in the hospital treatment  
4 team to get it corrected?

5 MR. KAISER: Objection.

6 A. Yes.

7 Q. This goes back to then why you are  
8 saying they were negligent. Because if they knew  
9 what was going on, you feel they would have done  
10 something about it because it is your thinking or  
11 your opinion that since they were negligent, they  
12 didn't even reach that point?

13 MR. KAISER: Objection.

14 A. What I feel is since Valerie had  
15 that problem that she was having, if they had  
16 sent her out when she first started this, that  
17 they would have caught that blood clot, okay.

18 Q. Are you aware what medical  
19 treatment she was receiving during that time?

20 A. No, I was not aware of any medical  
21 treatment. No, I was not.

22 Q. You are not saying that she was not  
23 getting any medical treatment, is just that you  
24 weren't aware of what medical treatment she was  
25 receiving?

1 L. LEE

2 MR. KAISER: Objection.

3 A. Right.

4 Q. When you say, "they should have  
5 sent her out," are you saying she should have  
6 been evaluated to see what the problem with her  
7 leg was?

8 MR. KAISER: Objection.

9 A. Yes.

10 Q. If they did evaluate her and didn't  
11 find anything, would that be something that would  
12 make you feel better?

13 MR. KAISER: Objection.

14 A. Yes, if they had sent her out and  
15 they would have find out, that would have been a  
16 feeling.

17 MR. KAISER: Objection.

18 Q. When you say, sent her out --

19 A. Sent her out to a hospital for  
20 tests.

21 MR. KAISER: Objection.

22 A. For tests.

23 Q. Do you know Brooklyn Developmental  
24 Center had medical staff in the center, correct,  
25 they had treating doctors there?

1 L. LEE

2 A. Yes, they do. I am aware of, yes.  
3 But for the length of time that Valerie was  
4 having these problems, she should have been sent  
5 out to a hospital for tests like MRIs to see what  
6 was wrong with her leg. That was not done.

7 Q. So is it fair to say you disagree  
8 with the medical treatment that they provided her  
9 by not sending her outside?

10 MR. KAISER: Objection.

11 A. I agree.

12 Q. If it was their opinion, that they  
13 didn't have to sent her out to an outside  
14 hospital because they did sufficient tests in the  
15 Brooklyn Developmental Center to see what her  
16 problem was --

17 MR. KAISER: Objection.

18 Q. -- how would you characterize that  
19 as disagreeing with their medical opinion or  
20 negligent or both?

21 A. Yes, both.

22 MR. KAISER: Objection.

23 A. Both.

24 Q. Just so we are clear, you are  
25 disagreeing with their medical opinion regarding



1 L. LEE

2 whether she needed to be sent out?

3 A. Yes.

4 Q. You think they were negligent for  
5 not sending her out?

6 MR. KAISER: Objection.

7 A. Yes.

8 Q. Prior to June 19, 2005, do you  
9 think Valerie Young tried to communicate, I know  
10 verbally she was very limited, do you think she  
11 tried to communicate to you or anyone else in  
12 your family that she felt she had a serious  
13 problems with her legs?

14 A. No.

15 Q. So what you are saying is, she did  
16 not communicate any fear that she had regarding  
17 her leg to you or to your mother?

18 A. No, she could not do that.

19 Q. Just so I am clear, prior to  
20 June 19, 2005, did you contact any of the  
21 defendants to communicate to them that you feared  
22 for Valerie Young's health related to her  
23 suffering to her medical condition to her leg?

24 MR. KAISER: Objection.

25 A. I did not personally, my mother.

L. LEE

1  
2 Q. You are saying your mother  
3 communicated to the staff at Brooklyn  
4 Developmental Center that she was concerned about  
5 the medical condition related?

6 A. Yes.

7 Q. What did she communicate to them?

8 MR. KAISER: Objection.

9 A. She would ask them, "Why is Valerie  
10 limping like that? What is wrong with her leg?"  
11 And like I said before, they would tell her she  
12 had a dropped foot. That was their diagnosis.

13 Q. You think that problem with the  
14 dropped foot is the reason why she ended up  
15 having her blood clot that killed her?

16 MR. KAISER: Objection.

17 A. Yes.

18 Q. Why did you think that?

19 A. I feel that way it was a blood  
20 clot, the type of blood clot that Valerie died  
21 from is a type that it travels in your body, if  
22 it goes undetected, it will kill you just like  
23 that.

24 Q. You are saying you feel that way,  
25 you haven't had a medical doctor tell you that

1 L. LEE

2 her dropped foot was the reason why she had the  
3 clot that killed her?

4 MR. KAISER: Objection.

5 A. No.

6 Q. You said your mother communicated  
7 to the Brooklyn Developmental Center, so what did  
8 she communicate to them?

9 MR. KAISER: Objection.

10 A. My mother was always going there,  
11 she was always interacting with the staff members  
12 that you named, always because she was always  
13 going there on the weekdays and the weekends as  
14 well.

15 Q. Just for the record, the records do  
16 indicate your mother did visit Valerie on a very  
17 regular basis and was a very, very caring mother.

18 A. Yes, she was.

19 Q. But unfortunately these are the  
20 same records that don't seem to indicate that  
21 there was visits from other members of the  
22 family.

23 A. They have them when I did sign  
24 them. They did have them.

25 Q. Your testimony is you did sign in

1 L. LEE

2 to this?

3 MR. KAISER: Objection.

4 A. Oh, yes.

5 Q. What did your mother communicate to  
6 the hospital regarding Valerie's leg?

7 MR. KAISER: Objection.

8 A. She would ask them, "Why is Valerie  
9 walking like this?"

10 Q. You know this because your mother  
11 would tell you?

12 A. Yes, and I was there at times when  
13 she would ask.

14 Q. What would be the response that she  
15 got?

16 A. They always told mommy that it was  
17 her dropped foot.

18 Q. So is it fair to say you and your  
19 mother were concerned with her gait, the way she  
20 was walking? You wanted to know what was wrong  
21 with her leg that lead her to walk like that?

22 A. Yes.

23 Q. Prior to June 19, 2005, you weren't  
24 concerned that her gait or the problem with her  
25 leg was going to lead to have her blood clot that

1 L. LEE

2 was going to kill her?

3 MR. KAISER: Objection.

4 A. Nobody knew that.

5 Q. When you say, "nobody knew that,"  
6 you are not just including yourself, you are  
7 saying even the defendants, correct?

8 MR. KAISER: Objection.

9 A. Well, I did not know it. I don't  
10 believe they knew it either.

11 Q. Now, the blood clot that traveled  
12 to Valerie's lung and killed her, do you think  
13 any of the defendants were directly involved with  
14 that?

15 A. Directly?

16 Q. Yes.

17 A. No.

18 Q. How were they involved?

19 MR. KAISER: Objection.

20 A. By not sending her out, to see what  
21 was going on. If they had sent Valerie out like  
22 I said, if they had sent Valerie out to the  
23 hospital for tests, they would have picked up on  
24 that.

25 Q. That is your opinion, a medical

1 L. LEE

2 doctor hasn't told you that?

3 A. That is my opinion.

4 Q. Do you think that any of the  
5 defendants took any action that facilitated the  
6 incident, in another words, that created or lead  
7 to the incident of the blood clot that developed  
8 on Valerie's legs and worked its way up on the  
9 lungs?

10 MR. KAISER: Objection.

11 A. I don't know.

12 Q. When you say, you don't know, how  
13 could they have created or facilitated something  
14 like that to happened?

15 MR. KAISER: Objection.

16 A. Well, they did not know that it  
17 would have lead to that.

18 Q. Do you think that they failed to  
19 take any action that could have stopped the  
20 incident again, the incident being the blood clot  
21 developing and working its way up to Valerie's  
22 lungs?

23 MR. KAISER: Objection.

24 A. Yes.

25 Q. You already testified that they

1 L. LEE

2 could have referred her to an outside hospital,  
3 anything else besides that that you feel in terms  
4 of action that they could have taken?

5 MR. KAISER: Object.

6 A. That is what I feel they could have  
7 done, send her out for more advance medical  
8 tests.

9 Q. When did you first learn about the  
10 incident or the events of June 19, 2005? In  
11 other words, where were you when it occurred?

12 MR. KAISER: Objection to the form.

13 A. I was home. I had just gotten home  
14 because my mother -- I had taken her to the  
15 hospital. I came home. She called me. She told  
16 me that she had called the Brooklyn Developmental  
17 Center, which she always does on Sunday, to see  
18 how Valerie was doing. She said, that they told  
19 her that they were rushing her to the hospital.  
20 Mommy asked me to go back to the hospital,  
21 Brookdale, that is where they were taking her.  
22 I went there and she had passed on her way there.

23 Q. So you found out from your mother  
24 that there was a problem?

25 A. Yes.

1 L. LEE

2 Q. That you needed to go to Brookdale  
3 Hospital?

4 A. She told me, "Loretta, please go  
5 there and see what is wrong." She was in the  
6 hospital for her heart.

7 Q. When you arrived there, who was  
8 there?

9 A. My husband was there and my brother  
10 was there.

11 Q. You said, your husband was there?

12 A. Yes.

13 Q. Your brother being Sidney?

14 A. Yes.

15 Q. Who else was there?

16 A. The employees from Brooklyn  
17 Developmental Center who came with her in the  
18 ambulance.

19 Q. Did you speak to any of them?

20 MR. KAISER: Objection to form.

21 A. I asked them, I forgot, I don't  
22 know her name. But the one that came with  
23 Valerie, I asked her what happened and they said,  
24 that she just fell when they were giving her a  
25 shower. That was all because I broke down



1 L. LEE

2 because I didn't believe what was happening.

3 Q. After you spoke to your mother, did  
4 you contact anyone to let them know what happened  
5 to Valerie?

6 A. After I had finally got myself  
7 together to go in there in the room where they  
8 had her, we all got together and we went to Long  
9 Island College Hospital where mommy was to tell  
10 her that it was true.

11 Q. So you were able to see her that  
12 same day, your mother and let her know what  
13 happened?

14 A. They let us go up that night  
15 because it was late and after hours.

16 Q. Do you remember what you discussed  
17 that day with your mother?

18 A. After I found out that Valerie had  
19 passed?

20 Q. Yes.

21 A. Somebody had a cell phone, I  
22 remember mommy asking me, "What happened, what  
23 happened, is it true, is it true, is Valerie  
24 okay, was Valerie okay? "

25 I told her that Valerie had passed.

1 L. LEE

2 I was afraid for mommy because mommy was in the  
3 hospital for her own condition.

4 Q. Are you okay?

5 A. (No response).

6 MR. KAISER: Why don't we give her  
7 five minutes.

8 (Whereupon, a short recess was  
9 taken.)

10 Q. You were testifying that you  
11 discussed what happened to Valerie with your  
12 family and with the Brooklyn Developmental staff  
13 that was there? Who else did you discuss it  
14 with?

15 A. Just mommy. Like I said, we asked  
16 whoever was at staff, why her leg was like that.  
17 Why she was tripping all the time too.

18 Q. Now, after June 19, 2005, did you  
19 try to contact any of the defendants to discuss  
20 what happened?

21 A. No.

22 Q. Why not?

23 A. My mother. Again, mommy was the  
24 leader. She was the one that always took care of  
25 those things.